

IN THE DISTRICT COURT OF THE NAVAJO NATION

WINDOW ROCK, ARIZONA

In Re the Application of:

Calvin Silver, et al.,

Petitioners,

and Concerning,

Charles Pahe, et al.,

Respondents.

No. WR-CV-235-92

CONSENT DECREE

This matter has come before the Court for a regularly scheduled hearing on November 17, 1992, and the Petitioners and Respondents have appeared by counsel and have asked the Court to approve a comprehensive Settlement Agreement as set forth herein. The Court has been advised of the factual premises of this agreement, and of the respective legal positions of the parties, and has been otherwise advised of the mutual advantages of the entry of a Consent Decree on the terms set forth herein. THE COURT FINDS that the entry of this Decree is in the best interests of the Petitioner class members and the Navajo Nation.

It is therefore ORDERED that:

1. The Court shall retain jurisdiction in this case until such time as all requirements of this agreement are fully implemented, and satisfactory and sustained compliance has been demonstrated by Respondents in all substantive areas. At that time Respondents may move the Court to dismiss the action in

1 district's jail by January 15, 1993.

2 1. Documented training on use of fire extinguishers
3 and fire alarms must be provided every six months
4 beginning January 1, 1993. All new detention personnel
5 must be trained within 10 days of their initial hiring
6 date.

7 V. **Health Care:** Parties will continue to consult with
8 IHS, tribal and independent authorities for further definition
9 and guidance on this section through December 31, 1992. The
10 results of these consultations will be submitted to the Court in
11 the form of a supplemental consent decree.

12 a. All Detention Officers and Jail Personnel must
13 honor and act in a timely fashion upon legitimate
14 requests for medical, dental, or psychological care by
15 taking the prisoner to the proper health professional.

16 b. Preliminary medical screenings of incoming
17 prisoners must be conducted prior to their placement in
18 the general prison population. If necessary, sick
19 prisoners must be separated from other prisoners.

20 c. A uniform written plan must be implemented
21 regarding preliminary, psychiatric, routine and
22 emergency health care matters by December 1, 1993. At a
23 minimum this plan should include standards on:

- 24 1. Receiving/Screening
- 25 2. Health appraisal data collection ("sick call")
- 26 3. Non-Emergency medical and dental services
- 27 4. Decision on emergency nature of illness injury
28 and provision of care
- 1 5. First aid and CPR
- 2 6. Notification of Next of Kin for illness,
3 injury, or death
- 4 7. Provision of chronic care
- 5 8. Provision of personal hygiene and exercise
- 6 9. Screening referral care of mentally ill and
7 retarded prisoners
- 8 10. Detoxification procedures
- 9 11. Delousing procedures
- 10 12. Pharmaceuticals
- 11 13. Provision of care for pregnant women
- 12 14. Procedures for infectious and transmittable
13 diseases.

14 d. All Detention Officers and Jail Personnel must be
15 trained in basic medical procedures, transmittable
16 diseases, and infectious diseases such as HIV and
17 hepatitis by June 1, 1993.

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6 IN THE DISTRICT COURT OF THE NAVAJO NATION
WINDOW ROCK, ARIZONA

7 In Re the Application of:)

8 Calvin Silver, et al.)

No. WR-CV-235-92

9 Petitioners,)

SUBMISSION OF WRITTEN
POLICY FOR ACCESS TO
MEDICAL CARE PURSUANT
TO CONSENT DECREE

10 and Concerning,)

11 Charles Pahe, et al.)

12 Respondents.)
13

14
15 COME NOW, the Respondents, by and through counsel, and
16 notify the Court that, pursuant to Section XI (b) of the Court's
17 Consent Decree of November 17, 1992, Respondents are on this day
18 filing with the Court written guidelines for access to medical
19 care in the jails. See Exhibit A "How To Get Medical Help."
20 Exhibit B is the actual "Request for Medical Attention" which
21 will be filled out by prisoners.

22 The "Request for Medical Attention" form and the Guidelines
23 are designed to inform each prisoner of his or her right to
24 medical care, and to inform each prisoner of how he or she may
25 obtain that care. Because medical information on each prisoner
26 is crucial to providing health care, the form also gives
27 prisoners the opportunity to inspect their medical screening
28

1 forms (filled out on arrival at the facility) and to make any
2 changes to the screening forms that are necessary.¹

3 The "How To Get Medical Help" form also gives specific
4 information about how to make a request for medical help, and
5 gives two examples of how a request should be made. The
6 Respondents are aware of ongoing communication problems with
7 prisoners based on the fact that for many prisoners, English is
8 a second language. Respondents have tried to use very simple
9 English words on these forms in order to help more prisoners
10 understand how to ask for medical help.

11 Detention Officers are required to assist prisoners in
12 filling out the request form. It is hoped that this process of
13 filling out the form with the prisoner will bring more facts to
14 light, and will give Detention Officers an idea of what the real
15 problem is. At the bottom of the form, the prisoner is required
16 to attest to the fact that he or she is making the request for
17 a legitimate reason. Experience shows us that many requests for
18 medical attention are the result of boredom and this requirement
19 should help cull out legitimate requests from those that are

20
21 ¹ It should be noted that some prisoners are unwilling or
22 unable to assist Detention Officers with filling out
23 initial screening forms when they are first brought to a
24 Navajo Nation Detention Facility. The most prevalent
25 cause for this lack of cooperation is the fact that many
26 prisoners are intoxicated at the time of first arrival, and
27 are thus unable to fill out forms on arrival. The
28 second most prevalent cause is the fact that many
prisoners are belligerent or disoriented after the
initial arrest, and need cooling off time before they are
able to assist Detention Officers with filling out forms.
Detention Officers attempt to fill in missing information
within the next 48 hours after a prisoner is first
incarcerated.